REMARKS

This is a full and timely response to the outstanding Office Action mailed June 2, 2006. Upon entry of the amendments in this response claims 1 and 4-38 are pending. More specifically, claims 1, 6, 10, 12, 14, 15, 17, 18, 21, 24, 31, 34, and 37. These amendments are specifically described hereinafter.

I. Present Status of Patent Application

Claims 1, 4-10, and 17-38 are rejected under 35 U.S.C. 102(e) as allegedly being anticipated by *Wine, et al* (U.S. Publication No. 2002/0004839). Claims 11-16 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Wine* in view of *Sahota* (U.S. Publication No. 2002/0010928). These rejections are respectfully traversed.

II. Examiner Interview

Applicant first wishes to express sincere appreciation for the time that Examiners Hossain and Grant spent with Applicant's representative Benjie Balser during a July 25, 2006 telephone discussion regarding the above-identified Office Action. During the interview, various features described in the patent application and recited in the independent claims, including enabling display of all content except a particular media instance, and *Wine* were discussed, and that the outcome of this discussion is addressed herein. During that conversation, Examiner Hossain seemed to indicate that it would be potentially beneficial for Applicant to file this amendment and response. Thus, Applicant respectfully requests that Examiner Hossain carefully consider this amendment and response.

III. Rejections Under 35 U.S.C. §102(e)

A. Claims 1 and 4-9

The Office Action rejects claims 1 and 4-9 under 35 U.S.C. §102(e) as allegedly being anticipated by *Wine, et al* (U.S. Publication No. 2002/0004839). For at least the reasons set forth below, Applicant respectfully traverses the rejection.

Independent claim 1, as amended, recites:

1. A method in a subscriber television system (STS), the method comprising the steps of:

providing a plurality of media content instances to be displayed to a subscriber;

providing at least one trigger synchronized with a first media content instance of the plurality of media content instances; and

enabling at least one content restriction responsive to a reception of the at least one trigger, ***the content restriction enabling display of all the content except for particular media content of the plurality of media content.***

(Emphasis added).

For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose, teach, or suggest all elements/features/steps of the claim at issue. *See, e.g., E.I. du Pont de Nemours & Co. v. Phillips Petroleum Co.*, 849 F.2d 1430, 7 U.S.P.Q.2d 1129 (Fed. Cir. 1988).

Applicant respectfully submits that independent claim 1 as amended is allowable for at least the reason that *Wine* does not disclose, teach, or suggest at least **the content restriction enabling display of all the content except for particular media content of the plurality of media content**. Even if, arguendo, *Wine* discloses selecting a particular media instance to display corresponding to a trigger, it does not teach enabling the display of all ads except a particular media instance, as claimed. Therefore, *Wine* does not anticipate independent claim 1, and the rejection should be withdrawn.

Because independent claim 1 as amended is allowable over the cited references of record, dependent claims 4-9 (which depend from independent claim 1) are allowable as a matter of law for at least the reason that dependent claims 4-9 contain all the steps/features of independent claim 1. *See Minnesota Mining and Manufacturing Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002) *Jeneric/Pentron, Inc. v. Dillon Co.*, 205 F.3d 1377, 54 U.S.P.Q.2d 1086 (Fed. Cir. 2000); *Wahpeton Canvas Co. v. Frontier Inc.*, 870 F.2d 1546, 10 U.S.P.Q.2d 1201 (Fed. Cir. 1989). Therefore, since dependent claims 4-9 are patentable over *Wine*, the rejection to claims 4-9 should be withdrawn and the claims allowed.

Additionally and notwithstanding the foregoing reasons for allowability of independent claim 1, dependent claims 4-9 recite further features and/or combinations of features, as are apparent by examination of the claims themselves, that are patently distinct from the cited references of record. Hence, there are other reasons why dependent claims 4-9 are allowable.

B. Claim 10

The Office Action rejects claim 10 under 35 U.S.C. §102(e) as allegedly being anticipated by *Wine, et al* (U.S. Publication No. 2002/0004839). For at least the reasons set forth below, Applicant respectfully traverses the rejection.

Independent claim 10, as amended, recites:

10. A method in a subscriber television system (STS), the method comprising the steps of:

providing a plurality of media content instances to be displayed to a subscriber by a client device;

providing at least one trigger synchronized with a first media content instance of the plurality of media content instances, the at least one trigger comprising at least one unique identifier;

enabling at least one content control module in the client device, the at least one content control module comprising a database of a plurality of values for a plurality of the at least one unique identifier, the plurality of values being

individually matched with a corresponding content restriction, ***the content restriction enabling display of all the content except for particular media content of the plurality of media content***;

receiving the at least one trigger at the client device;

interpreting a value of the at least one trigger by the content control module; and

enabling the content control module to reference the database with the value and determine at least one enabled content restriction.

(Emphasis added).

For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose, teach, or suggest all elements/features/steps of the claim at issue.

Applicant respectfully submits that independent claim 10 as amended is allowable for at least the reason that *Wine* does not disclose, teach, or suggest at least **the content restriction enabling display of all the content except for particular media content of the plurality of media content**. Even if, arguendo, *Wine* discloses selecting a particular media instance to display corresponding to a trigger, it does not teach enabling the display of all ads except a particular media instance, as claimed. Therefore, *Wine* does not anticipate independent claim 10, and the rejection should be withdrawn.

C. Claims 17-20

The Office Action rejects claims 17-20 under 35 U.S.C. §102(e) as allegedly being anticipated by *Wine, et al* (U.S. Publication No. 2002/0004839). For at least the reasons set forth below, Applicant respectfully traverses the rejection.

Independent claim 17, as amended, recites:

17. A method in a subscriber television system (STS), the method comprising the steps of:

inserting, within an available insertion area in at least one transport stream, at least one trigger having at least one content restriction, ***the content***

restriction enabling display of all the content except for particular media content of the plurality of media content; and

distributing the at least one transport stream with the at least one trigger to a plurality of client devices.

(Emphasis added).

For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose, teach, or suggest all elements/features/steps of the claim at issue.

Applicant respectfully submits that independent claim 17 as amended is allowable for at least the reason that *Wine* does not disclose, teach, or suggest at least **the content restriction enabling display of all the content except for particular media content of the plurality of media content**. Even if, arguendo, *Wine* discloses selecting a particular media instance to display corresponding to a trigger, it does not teach enabling the display of all ads except a particular media instance, as claimed. Therefore, *Wine* does not anticipate independent claim 17, and the rejection should be withdrawn.

Because independent claim 17 as amended is allowable over the cited references of record, dependent claims 18-20 (which depend from independent claim 17) are allowable as a matter of law for at least the reason that dependent claims 18-20 contain all the steps/features of independent claim 17. Therefore, since dependent claims 18-20 are patentable over *Wine*, the rejection to claims 18-20 should be withdrawn and the claims allowed.

Additionally and notwithstanding the foregoing reasons for allowability of independent claim 17, dependent claims 18-20 recite further features and/or combinations of features, as are apparent by examination of the claims themselves, that are patently distinct from the cited references of record. Hence, there are other reasons why dependent claims 18-20 are allowable.

D. Claims 21-23

The Office Action rejects claims 21-23 under 35 U.S.C. §102(e) as allegedly being anticipated by *Wine, et al* (U.S. Publication No. 2002/0004839). For at least the reasons set forth below, Applicant respectfully traverses the rejection.

Independent claim 21, as amended, recites:

21. A method in a subscriber television system (STS), the method comprising the steps of:

providing a plurality of media content instances to be displayed to a subscriber, a first media content instance of the plurality of media content instances being a video stream and a second media content instance of the plurality of media content instances being a particular advertisement;

providing at least one trigger synchronized with a priority event in the video stream; and

enabling display of all media content instances except the particular advertisement from being displayed simultaneously with the priority event in the video stream.

(Emphasis added).

For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose, teach, or suggest all elements/features/steps of the claim at issue.

Applicant respectfully submits that independent claim 21 as amended is allowable for at least the reason that *Wine* does not disclose, teach, or suggest at least **enabling display of all media content instances except the particular advertisement from being displayed**. Even if, arguendo, *Wine* discloses selecting a particular media instance to display corresponding to a trigger, it does not teach enabling the display of all ads except a particular media instance, as claimed. Therefore, *Wine* does not anticipate independent claim 21, and the rejection should be withdrawn.

Because independent claim 21 as amended is allowable over the cited references of record, dependent claims 22-23 (which depend from independent claim 21) are allowable as a matter of law for at least the reason that dependent claims 22-23 contain all the steps/features of independent claim 21. Therefore, since dependent claims 22-23 are patentable over *Wine*, the rejection to claims 22-23 should be withdrawn and the claims allowed.

Additionally and notwithstanding the foregoing reasons for allowability of independent claim 21, dependent claims 22-23 recite further features and/or combinations of features, as are apparent by examination of the claims themselves, that are patently distinct from the cited references of record. Hence, there are other reasons why dependent claims 22-23 are allowable.

E. Claims 24-30

The Office Action rejects claims 24-30 under 35 U.S.C. §102(e) as allegedly being anticipated by *Wine, et al* (U.S. Publication No. 2002/0004839). For at least the reasons set forth below, Applicant respectfully traverses the rejection.

Independent claim 24, as amended, recites:

24. A system in a subscriber television system (STS), the system comprising:
a memory for storing logic;
a processor for executing the logic stored in memory;
logic configured to provide a plurality of media content instances to be displayed to a subscriber;
logic configured to provide at least one trigger synchronized with a first media content instance of the plurality of media content instances; and
logic configured to enable at least one content restriction responsive to a reception of the at least one trigger, ***the content restriction enabling display of all the content except for particular media content of the plurality of media content.***

(Emphasis added).

For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose, teach, or suggest all elements/features/steps of the claim at issue.

Applicant respectfully submits that independent claim 24 as amended is allowable for at least the reason that *Wine* does not disclose, teach, or suggest at least **the content restriction enabling display of all the content except for particular media content of the plurality of**

media content. Even if, arguendo, *Wine* discloses selecting a particular media instance to display corresponding to a trigger, it does not teach enabling the display of all ads except a particular media instance, as claimed. Therefore, *Wine* does not anticipate independent claim 24, and the rejection should be withdrawn.

Because independent claim 24 as amended is allowable over the cited references of record, dependent claims 25-30 (which depend from independent claim 24) are allowable as a matter of law for at least the reason that dependent claims 25-30 contain all the steps/features of independent claim 24. Therefore, since dependent claims 25-30 are patentable over *Wine*, the rejection to claims 25-30 should be withdrawn and the claims allowed.

Additionally and notwithstanding the foregoing reasons for allowability of independent claim 24, dependent claims 25-30 recite further features and/or combinations of features, as are apparent by examination of the claims themselves, that are patently distinct from the cited references of record. Hence, there are other reasons why dependent claims 25-30 are allowable.

F. Claims 31-33

The Office Action rejects claims 31-33 under 35 U.S.C. §102(e) as allegedly being anticipated by *Wine, et al* (U.S. Publication No. 2002/0004839). For at least the reasons set forth below, Applicant respectfully traverses the rejection.

Independent claim 31, as amended, recites:

31. A system in a subscriber television system (STS) client device, the system comprising:

a memory for storing logic in the STS client device;

a processor for executing the logic stored in memory in the STS client device;

logic configured to provide a plurality of media content instances to be displayed to a subscriber;

logic configured to provide at least one trigger synchronized with a first media content instance of the plurality of media content instances; and

logic configured to enable at least one content restriction responsive to a reception of the at least one trigger, ***the content restriction enabling display of all the content except for particular media content of the plurality of media content***.

(Emphasis added).

For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose, teach, or suggest all elements/features/steps of the claim at issue.

Applicant respectfully submits that independent claim 31 as amended is allowable for at least the reason that *Wine* does not disclose, teach, or suggest at least **the content restriction enabling display of all the content except for particular media content of the plurality of media content**. Even if, arguendo, *Wine* discloses selecting a particular media instance to display corresponding to a trigger, it does not teach enabling the display of all ads except a particular media instance, as claimed. Therefore, *Wine* does not anticipate independent claim 31, and the rejection should be withdrawn.

Because independent claim 31 as amended is allowable over the cited references of record, dependent claims 32-33 (which depend from independent claim 31) are allowable as a matter of law for at least the reason that dependent claims 32-33 contain all the steps/features of independent claim 31. Therefore, since dependent claims 32-33 are patentable over *Wine*, the rejection to claims 32-33 should be withdrawn and the claims allowed.

Additionally and notwithstanding the foregoing reasons for allowability of independent claim 31, dependent claims 32-33 recite further features and/or combinations of features, as are apparent by examination of the claims themselves, that are patently distinct from the cited references of record. Hence, there are other reasons why dependent claims 32-33 are allowable.

G. Claims 37-38

The Office Action rejects claims 37-38 under 35 U.S.C. §102(e) as allegedly being anticipated by *Wine, et al* (U.S. Publication No. 2002/0004839). For at least the reasons set forth below, Applicant respectfully traverses the rejection.

Independent claim 37, as amended, recites:

37. A system in a subscriber television system (STS) headend, the system comprising:
a memory for storing logic in the STS headend;
a processor for executing the logic stored in memory in the STS headend;
logic configured to allow the STS headend to receive and distribute at least one transport stream to a plurality of client devices, the STS headend comprising an administrative content control module; and
logic configured to enable at least one trigger to be synchronized with an available insertion area in the transport stream, the at least one trigger comprising at least one content restriction, ***the content restriction enabling display of all the content except for particular media content of the plurality of media content***.

(Emphasis added).

For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose, teach, or suggest all elements/features/steps of the claim at issue.

Applicant respectfully submits that independent claim 37 as amended is allowable for at least the reason that *Wine* does not disclose, teach, or suggest at least **the content restriction enabling display of all the content except for particular media content of the plurality of media content**. Even if, arguendo, *Wine* discloses selecting a particular media instance to display corresponding to a trigger, it does not teach enabling the display of all ads except a particular media instance, as claimed. Therefore, *Wine* does not anticipate independent claim 37, and the rejection should be withdrawn.

Because independent claim 37 as amended is allowable over the cited references of record, dependent claim 38 (which depends from independent claim 37) is allowable as a matter of law for at least the reason that dependent claim 38 contains all the steps/features of independent claim 37. Therefore, since dependent claim 38 is patentable over *Wine*, the rejection to claim 38 should be withdrawn and the claim allowed.

Additionally and notwithstanding the foregoing reasons for allowability of independent claim 37, dependent claim 38 recites further features and/or combinations of features, as are apparent by examination of the claim itself, that are patently distinct from the cited references of record. Hence, there are other reasons why dependent claim 38 is allowable.

IV. Rejections Under 35 U.S.C. §103(a)

A. Claims 11-16

The Office Action rejects claims 11-16 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Wine* in view of *Sahota* (U.S. Publication No. 2002/0010928). For at least the reasons set forth below, Applicant respectfully traverses the rejection.

Because independent claim 10 is allowable over the cited references of record, dependent claims 11-16 (which depend from independent claim 10) are allowable as a matter of law for at least the reason that dependent claims 11-16 contain all the steps/features of independent claim 10. Therefore, the rejection to claims 11-16 should be withdrawn and the claims allowed.

Additionally and notwithstanding the foregoing reasons for allowability of independent claim 10, dependent claims 11-16 recite further features and/or combinations of features, as are apparent by examination of the claims themselves, that are patently distinct from the cited references of record. Hence, there are other reasons why dependent claims 11-16 are allowable.

Additionally, with regard to the rejection of claims 11-16, *Sahota* does not make up for the deficiencies of *Wine* noted above. Therefore, claims 11-16 are considered patentable over any combination of these documents.

V. Miscellaneous Issues

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known for the particular and specific reasons that the claimed combinations are too complex to support

such conclusions and because the Office Action does not include specific findings predicated on sound technical and scientific reasoning to support such conclusions.

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 1 and 4-38 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,

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